

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

Juergen Kleinschmidt

Application No.: 09/975,091

Filed: October 9, 2001

For: MULTIPLE-PASS INTERFEROMETRIC  
DEVICE

Group Art Unit: 2877

Examiner: Patrick J. Connolly

**SUBMISSION UNDER 37 C.F.R. §1.312**121 Spear Street, Suite 290  
San Francisco, CA 94105  
(415) 512-1312

M/S ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450 on January 14, 2004.

STALLMAN &amp; POLLOCK LLP

Dated: 01/14/2004

By:

Georgia K. Stith

Dear Sir:

**Information Disclosure Statement**

Applicants received a PTO Form 1449 dated June 3, 2003, in which the Examiner initialed each reference but one, German patent DE 15 741 A1. Applicants respectfully request that the Examiner send an initialed PTO Form 1449 to the undersigned attorney and place another copy in the PTO file upon considering the remaining reference cited therein. A copy of the relevant PTO Form 1449 is attached hereto.

**Claim of Priority**

The Notice of Allowability mailed November 28, 2003, fails to acknowledge a claim for domestic priority under 35 USC §119(e) (to a provisional application). Applicants have properly claimed priority to U.S. Provisional Patent Application No.: 60/239,686. Applicants respectfully

Atty Docket No.: LMPY-9510 [255/u]

request that the Examiner send a Notice of Allowability reflecting the claim of priority to the undersigned attorney and place another copy in the PTO file. Copies of the filing receipt and Notice of Allowability are attached hereto.

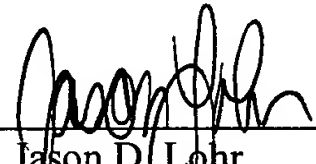
**Conclusion**

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. LMPY-9510.

Respectfully submitted,

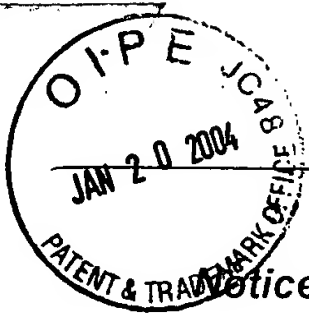
STALLMAN & POLLOCK LLP

Dated: January 14, 2004

By:   
Jason D. Lohr  
Reg. No. 48,163

Attorneys for Applicant(s)

Attachments



# Notice of Allowability

Application No.

09/975,091

Examiner

Patrick J Connolly

Applicant(s)

KLEINSCHMIDT, JUERGEN

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06 October 2003.
2. ☒ The allowed claim(s) is/are 1-49.
3. ☒ The drawings filed on 09 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |